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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,138	12/08/2000	Rajan Mathew Lukose	1508/3150 (A0856)	2121

7590 12/19/2002

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EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/19/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/733,138

Applicant(s)  
Lukose

Examiner  
Daniel Felten

Art Unit  
3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Dec 2, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarbox (US 6,154,732) in view of Walker et al (hereinafter "Walker", US 5,794,207).

Tarbox discloses all a method/system claims related to electronically selling information (investment advise) to a buyer (investor), the wherein the method/system comprises receiving an offer (fee(s)) for the information including at least one contingency from the buyer; providing the information in response to the offer; and receiving a first payment for the information if at least one condition for the contingency is satisfied after the information has been provided to the buyer (see col.3, ll. 21+; col. 2, ll. 4-46). Tarbox fails to disclose sending a counteroffer to the buyer based on the offer, however, this feature disclosed by Walker (see at least col. 9, ll. 4-51). It would have been obvious for an artisan at the time of the invention of Tarbox to integrate the counteroffer feature, as disclosed in Walker, because an artisan at the time of the invention of Tarbox would have recognized that the ability to counteroffer would allow the system to make recommendations that cater to participants

1 financial needs based upon available portfolio and/or allocation adjustments and the fees  
2 associated with the execution and creation of the available portfolio and/or allocation  
3 adjustments. Thus to allow the system to interactively adjust and negotiate through the  
4 participants risk tolerances within the limitations of available resources would have constituted  
5 an obvious expedient well within the ordinary skill in the art.

6  
7  
8 **Conclusion**  
9

10 3. A list of relevant prior art appears below not relied upon in this Office Action:

11 **US Patents:**

12 Killeen, Jr. et al (US 6,324,523 B1) discloses an integrated client relationship management  
13 processor

14 Bailey (US 5,227,967) discloses a security instrument data system without property inapplicable  
15 nulls

16 Goldhaber et al (US 5,794,210) discloses an attention brokerage  
17

18 **Foreign Patents:**

19 Holland ( 0434 877 A1) discloses a computer system for portfolio management investment  
20 functions

21 Seoung (EP 1 035 486 A2) discloses research method utilizing computer communication  
22  
23

24 4. Any inquiry concerning this communication or earlier communications from the examiner  
25 should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The

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Representative: Leinberg (35,584)

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1 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.  
2 Any inquiry of a general nature relating to the status of this application or its proceedings should  
3 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor  
4 **Vincent Millin** whose telephone number is (703) 308-1065.

5  
6 5. Response to this action should be mailed to:

7  
8 Commissioner of Patents and Trademarks

9 Washington, D.C. 20231

10  
11 for formal communications intended for entry, or (703) 305-0040, for informal or draft  
12 communications, please label "Proposed" or "Draft".

13 Communications via Internet e-mail regarding this application, other than those under 35  
14 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be  
15 addressed to [daniel.felten@uspto.gov].

16 All Internet e-mail communications will be made of record in the application file. PTO  
17 employees do not engage in Internet communications where there exists a possibility that  
18 sensitive information could be identified or exchanged unless the record includes a properly  
19 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly  
20 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and  
21 Trademark on February 25, 1997 at 1 195 OG 89.

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25 DSF

26 December 12, 2002

  
VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600